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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,262	11/22/1999	JUHA KALLIOKULJU	297-008939-U	6962

7590 01/22/2003
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FAIRFIELD, CT 06430

EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 01/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/443,262

Applicant(s)

KALLIOKULJU ET AL. 

Examiner

Nghi H. Ly

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 10-23.Claim(s) objected to: 2-4.Claim(s) rejected: 1 and 5-9.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/20/2002 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that "Whinnett does not teach suspending the non-real-time connection."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the non-real-time connection is taught by Jayapalan. In addition, applicant's attention is directed to the rejection of claim 1 in Office Action dated 09/20/02.

Applicant further argues that "the concept of a fax call as taught by Jayapalan still fails to disclose non-real-time communication which is the explicitly recited subject of the applicant's claimed invention" and (see applicant's remarks pages 10 and 11).

The examiner, however, disagrees. Jayapalan teaches the Fax can be recorded by buffer 13b (see column 3 lines 40-45) and the Fax contents can be transmitted from the buffer 13b later (see column 3 lines 65-67 and see column 4 lines 50-53). Therefore, Jayapalan does indeed teach non-real-time communication. In addition, applicant's attention is directed to the rejection of claim 1 in Office Action dated 09/20/02.

Applicant further argues that "Jayapalan does not disclose the concept of suspending transmissions for the duration of a handover" and "there is no such thing in Jayapalan as suspending transmissions in a connection", and "Jayapalan does not unambiguously teach any kind of modifications to the transmissions before a handover is reality" and "the reference publication of Jayapalan is, both alone and in combination with Whinnett, not pertinent to the patentability of the present invention" (see applicant's remarks pages 10, 11 and 13).

The examiner, however, disagrees. In Jayapalan column 4 lines 40-53 which clearly states "Upon detecting the EOL the fax adapter begins transmitting filler bits and buffering the output of the fax pending completion of handoff and upon completion of the handoff the fax adapter begins transmitting the contents of the buffer on a first-in-first-out basis" and column 6 lines 42-44 which clearly states "transmitting the data from the buffer over the communication channel upon detection of hand-off completion."

Therefore, Jayapalan does indeed teach suspending transmissions to reduce the data loss during cellular handoff by storing the FAX data temporarily in the buffer and retransmit at a later time and modifications to the transmissions before a handover is reality. In addition, applicant's attention is directed to the rejection of claim 1 in Office Action dated 09/20/02.

Regarding claims 5-8, applicant argues that "the admitted prior art, Frodigh, and Kanerva fails to disclose or suggest these features."

The examiner, however, disagrees. The combination of admitted prior art, Frodigh and Kanerva does indeed teach applicants' claimed invention. In addition,

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applicant's attention is directed to the rejection of claims 5-8 in Office Action dated 09/20/02.

Allowable Subject Matter

2. Claims 10-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 10-23 are allowable over the prior art of record for the reasons as stated in Office Action dated 09/20/02 (pages 8-9).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly



January 20, 2003


1/21/03

NGUYEN T. VO
PRIMARY EXAMINER